

PHILLIP A. TALBERT  
United States Attorney  
JUSTIN J. GILIO  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JORGE LUIS HERNANDEZ GONZALEZ,  
  
Defendant.

CASE NO. 1:21-CR-00114-JLT-SKO

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

DATE: May 1, 2023

TIME: 1:00 p.m.

COURT: Hon. Jennifer L. Thurston

**BACKGROUND**

This case is set for change of plea hearing on May 1, 2023. By this stipulation, defendant now moves to continue the change of plea hearing until **June 20, 2023, at 10:00 a.m.** before the Hon. Jennifer L. Thurston. The proposed change of plea date represents the earliest date that all counsel are available, taking into account counsels' schedules, defense counsels' commitments to other clients, and the court's available dates for a change of plea hearing. In addition, the public health concerns cited by General Orders 611, 612, 617, 618, and 620 and subsequent general orders presented by the evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in this case because counsel or other relevant individuals have been encouraged to telework and minimize personal contact to the greatest extent possible.

1. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case is

1 voluminous and includes thousands of pages of documents including investigative reports and  
2 photographs as well as large media files including hours of recorded calls, large cell phone  
3 extractions, social media account search warrant returns, and other items. All this discovery has  
4 been either produced directly to counsel and/or made available for inspection and copying.  
5 Moreover, the government is still receiving discovery from the investigative agency and will  
6 continue to provide that supplemental discovery on a rolling basis.

7 b) The government has presented the Defendant with a plea agreement and counsel  
8 for defendant desires additional time finalize the agreement and prepare for the change of plea  
9 hearing.

10 c) The defendant also needs the additional time to arrange certain personal affairs.  
11 Defense counsel represents that Defendant's young daughter has eye cancer and the defendant is  
12 the primary caretaker and transporter of his daughter to the doctor's office for medical  
13 appointments.

14 d) Counsel for defendant believes that failure to grant the above-requested  
15 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
16 into account the exercise of due diligence.

17 e) The government does not object to the continuance.

18 f) In addition to the public health concerns cited by General Orders of this Court and  
19 presented by the evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in  
20 this case because the defendant is not detained pending trial.

21 g) Based on the above-stated findings, the ends of justice served by continuing the  
22 case as requested outweigh the interest of the public and the defendant in a trial within the  
23 original date prescribed by the Speedy Trial Act.

24 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
25 et seq., within which trial must commence, the time period of May 1, 2023 to June 20, 2023,  
26 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]  
27 because it results from a continuance granted by the Court at defendant's request on the basis of  
28 the Court's finding that the ends of justice served by taking such action outweigh the best interest

of the public and the defendant in a speedy trial.

2. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: April 27, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ JUSTIN J. GILIO  
JUSTIN J. GILIO  
Assistant United States Attorney

Dated: April 27, 2023

/s/ Mark Coleman  
Mark Coleman  
Counsel for Defendant  
Jorge Luis Hernandez Gonzalez

**ORDER**

The stipulation is **GRANTED**. The change-of-plea hearing is **CONTINUED** to until **June 20, 2023, at 10:00 a.m.**

The Court finds that good cause exists and the interest of justice outweigh the defendant and the public in a speedy trial based upon the need for defense preparation and because this continuance results from the defendant's request. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*, the Court will exclude the time from May 1, 2023 through June 20, 2023 (18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]).

IT IS SO ORDERED.

Dated: **May 1, 2023**

  
UNITED STATES DISTRICT JUDGE